

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVEL JONES,

Petitioner,

vs.

TOM BARR,

Respondent.

8:20CV81

**MEMORANDUM
AND ORDER**

This matter is before the court on Petitioner's Motion for Leave to Proceed in Forma Pauperis ("IFP"). ([Filing No. 2](#).) Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). The court has reviewed the application to proceed IFP pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#). Petitioner represents that his take-home pay or wages are \$385-400 per month and that he has over \$2000 in cash or in a checking or savings account. ([Filing No. 2](#)) Petitioner filed a copy of his "Detailed Account Ledger" from the Norfolk Regional Center, where he is confined, which shows an account balance of \$2253.58 as of February 5, 2020. ([Filing No. 3](#)) Thus, the court concludes that Petitioner must be required to pay the \$5.00 filing fee because he has the financial ability to do so. *See 28 U.S.C. § 1915(a)*. No further review of this case will take place until the fee is paid.

IT IS THEREFORE ORDERED that:

1. Petitioner's request to proceed IFP ([filing no. 2](#)) is denied.
2. Petitioner must pay the \$5.00 filing fee within 30 days. Petitioner is warned that if the fee is not paid as required, the court may dismiss this case without further notice.

3. The clerk of the court is directed to set a pro se case management deadline in this case using the following text: **April 6, 2020**: deadline for Petitioner to pay \$5.00 filing fee.

4. No further review of this case will take place until the filing fee is paid.

Dated this 5th day of March, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge